

**RESOLUTION OF ADOPTION NO. 2008 - 098**

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS  
OF GALLATIN COUNTY  
TO ADOPT AMENDMENTS TO THE GALLATIN COUNTY  
SUBDIVISION REGULATIONS**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner Skinner, and seconded by Commissioner White. The resolution was adopted unanimously.

WHEREAS, Gallatin County has adopted subdivision regulations in accordance with Title 76, Chapter 3, Montana Code Annotated; and

WHEREAS, the Gallatin County Subdivision Regulations (the "Subdivision Regulations") were adopted on February 26, 1975, and amended thereafter; and

WHEREAS, Section 13.B.(1), Amendments to Subdivision Regulations, provides that for the purpose of providing for the public health, safety, and general welfare, the Gallatin County Commission (the "Commission") may amend the provisions of the Subdivision Regulations; and

WHEREAS, the Commission recognizes that amendments to the Subdivision Regulations may be necessary to comply with the Montana Subdivision and Platting Act, Growth Policy statutes, and to carry out the purpose of the Subdivision Regulations; and

WHEREAS, on April 29, 2008, the Commission unanimously (2:0) passed Resolution No. 2008-048, a Resolution of Intention to Amend the Subdivision Regulations, to ensure adverse impacts to irrigation ditches, canals, and other water conveyance facilities are identified and mitigated in the subdivision review process. Per passage of the resolution of intention, the Gallatin County Commission directed the Gallatin County Planning Department (the "Planning Department") to prepare amendments to sections 1 (General Provisions and Definitions), 5 (Subdivision Plan and Plat Application Submittal Requirements), 6 (Design and Improvement Standards, General), and 9 (Environmental Assessment) of the Gallatin County Subdivision Regulations, and to create Appendix K (Commonly Required Conditions of Approval and Covenants) of the Gallatin County Subdivision Regulations; and

WHEREAS, the Planning Department prepared draft amendments to the Subdivision Regulations concerning water conveyance facilities and presented the proposed amendments to the Gallatin County Planning Board ("the Planning Board"). The Planning Board referred the proposed amendments to the Planning Board's Subdivision Regulations Committee. Planning Department Staff and representatives from the Association of

Gallatin Agricultural Irrigators (AGAI) met with the Planning Board's Committee and revised the draft amendments to address the concerns expressed by the Committee; and

WHEREAS, Planning Department Staff and representatives from the Association of Gallatin Agricultural Irrigators (AGAI) met with a civil deputy attorney from the County Attorney's Office, and revised the draft amendments to address the concerns expressed by the County Attorney's Office; and

WHEREAS, the proposed amendments were available for public viewing in the Planning Department, in the Gallatin County Clerk and Recorder's Office, and on the Gallatin County Planning Department's website; and

WHEREAS, notice of the public hearing before the Commission and public meeting before the Planning Board regarding the proposed amendments was published in the *Bozeman Daily Chronicle* on May 11 & 18, 2008; and

WHEREAS, the Planning Board considered the proposed amendments at their meeting on May 13, 2008, and recommended unanimously (8:0) that the Commission adopt the proposed amendments to the Subdivision Regulations with some minor modifications as attached herein as Exhibit A1; and

WHEREAS, the Commission finds the proposed amendments further implement the stated intent and objectives of the Gallatin County Growth Policy as follows:

**Section 3.15: Agriculture**

**Goal 1: Preserve Productive Farm and Ranch Lands:**

**Policy 2:** Support development standards that protect agricultural activities from incompatible land uses.

- Encourage development to buffer between non-agricultural uses in agricultural areas.

**Policy 3:** Retain agricultural operations that are adjacent to other agricultural operations or permanent open space.

- Encourage development to mitigate the external effects of development on agricultural production.

**Goal 2: Protect the Right to Farm and Ranch**

**Policy 2:** Encourage protection of surface water and groundwater resources critical to agriculture.

**Policy 3:** Encourage development standards that address the following:

- Protection of agricultural water user facilities, ditches, and water rights.

**Section 5.2 Evaluation of Subdivisions:**

It is the subdivider's responsibility to document proposed mitigation of any adverse impacts in these critical areas:

Effect on agricultural water user facilities, including but not limited to:

- Water availability to agricultural water users
- Access for maintenance of facilities
- Reasonable and prudent precautions to prevent injury to children who may be attracted to play in the area of the agricultural water user facility
- Liability resulting from proximity to agricultural water user facilities (e.g., blowouts, flooding, artificially elevated high groundwater)
- Impact on owners of the agricultural water user facility

WHEREAS, the Commission finds the attached amendments are necessary to provide for the orderly development of Gallatin County by ensuring adverse impacts to water conveyance facilities are identified and mitigated through the subdivision review process; and

WHEREAS, the Commission finds the attached amendments are necessary for the purpose of providing for the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED:

The Gallatin County Commission pursuant to 76-3-503, MCA, hereby approves this Resolution to Adopt Amendments to the Gallatin County Subdivisions. These amendments include the attached amendments to sections 1 (General Provisions and Definitions), 5 (Subdivision Plan and Plat Application Submittal Requirements), 6 (Design and Improvement Standards, General), and 9 (Environmental Assessment) of the Gallatin County Subdivision Regulations, and the creation of Appendix K (Commonly Required Conditions of Approval and Covenants).

These amendments to the Subdivision Regulations will be effective immediately upon signature of this resolution by the Commission.

Dated this 26<sup>th</sup> day of August, 2008.

**BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY**

  
William A. Murdock, Chairman

8/26/08  
Date

  
Joe Skinner, Member

8/26/08  
Date

  
R. Stephen White, Member

8-26-08  
Date

ATTEST:

  
Charlotte Mills,  
Clerk and Recorder